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OFFICE OF PETITIONS

In re Application of
Yeates et al
Application No. 10/815,543
Filed: March 31, 2004
Attorney Dkt. No: UCAL-135CIP

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ON PETITION

This is a decision on the petition under 37 CFR 1.181 to withdraw the holding of abandonment, filed April 5, 2005.

The petition to withdraw the holding of abandonment is **GRANTED**.

This above-identified application became abandoned for failure to file a response to a Notice to File Missing Parts which was mailed on June 14, 2004. The Notice to File Missing Parts set an extendable two (2) month period for reply. No timely request for extension of time was obtained under the provisions of 37 CFR §1.136(a). Accordingly, this application became abandoned on August 15, 2004. A Notice of Abandonment was mailed on March 15, 2005.

Petitioner maintains that a response to the Notice to File Missing Parts was sent via Express Mail on August 16, 2004. As evidence, petitioner has submitted a copy of a , Express Mail Label pursuant to 37 CFR 1.10, tracking data from the U.S. Postal Service, a transmittal form referencing the Express Mail label number and the response to the Notice, a fee transmittal form and a copy of the reply. It is further noted that the fee transmittal form contains a general authorization which would allow for the charging of the one month extension of time fee required.

The response submitted August 16, 2004 has not been located in the Office, however, in view of the evidence submitted, the response is deemed timely.

The Notice of Abandonment is hereby vacated and the holding of abandonment is withdrawn.

This application is being forwarded to the Office of Initial Patent Examination for further processing, including charging the required fees.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3215.

A handwritten signature in black ink, appearing to read "Charlema R. Grant", with a stylized flourish at the end.

Charlema R. Grant
Petitions Attorney
Office of Petitions